

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ALFA CORPORATION,**  
an Alabama corporation,

Plaintiff,

v.

**ALFA MORTGAGE  
INCORPORATED,** an Indiana  
Corporation,

Defendant.

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\*  
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\*  
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**Case No. 2:06-cv-962-WKW-WC**

**SUBMISSION OF PLAINTIFF IN  
OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

**COMES NOW** the Plaintiff, Alfa Corporation, and submits the Declaration of  
Juan C. Basombrio in Opposition to Defendant's Motion to Dismiss.

s/Robert A. Huffaker  
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Bar Number: California State Bar No.150703

Attorneys for Plaintiff  
ALFA CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following:

Brannon J. Buck  
Bryan A. Coleman  
Maynard, Cooper & Gale, P.C.  
Suite 2400 AmSouth/Harbert Plaza  
1901 Sixth Avenue North  
Birmingham, Alabama 35203

s/Robert A. Huffaker  
Of Counsel

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**ALFA CORPORATION,**  
an Alabama corporation,

Plaintiff,

vs.

**ALFA MORTGAGE CORPORATION,**  
an Indiana company,

Defendant.

**CIVIL ACTION NO.  
2:06-CV-962-WKW-WC**

**DECLARATION OF JUAN C. BASOMBRIO**

1. I am a partner with the law firm of Dorsey & Whitney LLP, attorneys for plaintiff Alfa Corporation ("Alfa"), and admitted pro hac vice to practice before this Court in this action. I have personal knowledge of the facts stated herein and, therefore, submit this declaration in support of Alfa's opposition to defendant Alfa Mortgage Corporation's ("Alfa Mortgage") motion to dismiss.
2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the following website: [www.alfamtg.com](http://www.alfamtg.com).
3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts of the transcript of deposition of Corina Shelton, President of Alfa Mortgage, taken on July 31, 2006 in the case of Alfa Corporation v. OAO Alfa Bank, et al. That case is pending in the United States District Court for the Southern District of New York. After that deposition, I indicated to Ms. Shelton that my client, Alfa Corporation, was a corporation in Alabama, was the owner of various federally registered trademarks under the name ALFA, and objected to the use by Alfa Mortgage

of the name ALFA. I further noted to Ms. Shelton that I would be contacting her about the foregoing. Attached hereto as Exhibit 3 (and to the Complaint herein as Exhibit 1) is a true and correct copy of a letter that I then sent, on August 22, 2006 and on behalf of Alfa, to Alfa Mortgage to the attention of Ms. Shelton. My letter advised Alfa Mortgage of Alfa's objection to the use of the ALFA name by Alfa Mortgage, demanded that Alfa Mortgage cease and desist from such use, and noted that Alfa would be willing to provide Alfa Mortgage with a reasonable time to cease such use. Neither I nor anyone at Alfa received a response to my letter or my conversation with Alfa Mortgage's President prior to the Complaint being filed in this action on October 26, 2006.

4. Notwithstanding my comments and letter to Alfa Mortgage, a properly conducted trademark search of federally registered trademarks would have disclosed the existence of Alfa and its federally registered trademarks. Even a basic search of the United States Patent & Trademark Office ("USPTO") website would have disclosed such information. Attached hereto as Exhibit 4 are true and correct copies of excerpts of such a search on the USPTO website. Even a basic Internet search would have identified Alfa and its website, [www.alfains.com](http://www.alfains.com), which provides sufficient information about Alfa's lines of business and notes that its trademark is registered. Attached hereto as Exhibit 5 are true and correct copies of excerpts of such an Internet search.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on January 2, 2007 in Irvine, California.

  
JUAN C. BASOMBRIO

# EXHIBIT 1



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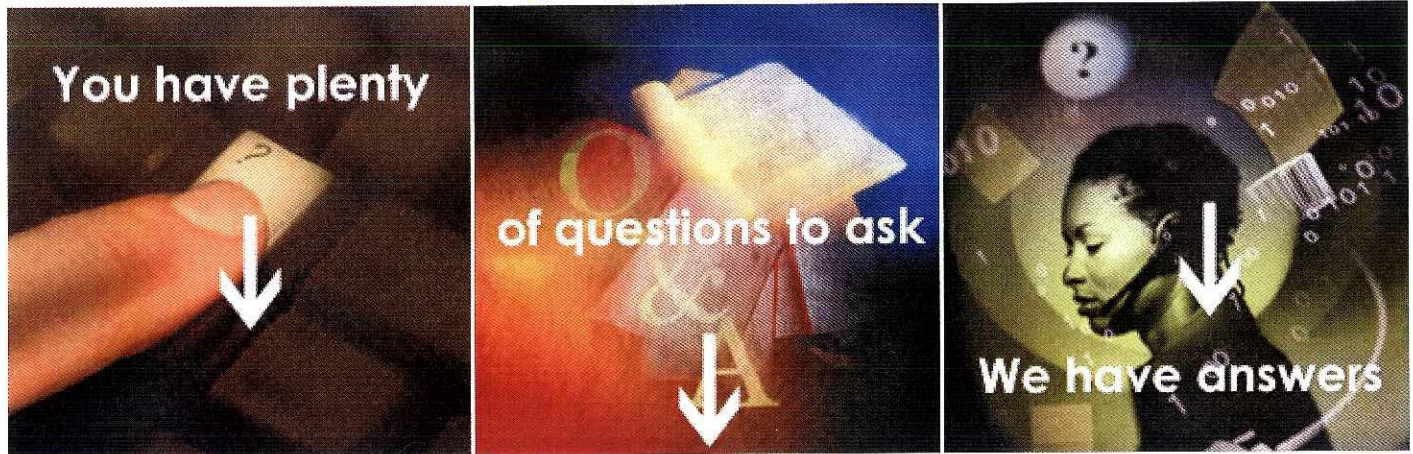


Our mission at Alfa Mortgage, Inc. is to make home financing understandable, easy and convenient. We offer a wide range of financing options, interest rates and terms, giving you the opportunity to find the best loans for your needs. Our office of mortgage professionals will work with you from start to finish, showing you how easy it is to buy or refinance your home.

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**Q: How do I know how much house I can afford?**

A: Generally speaking, you can purchase a home with a value of two or three times your annual household income. However, the amount that you can borrow will also depend upon your employment history, credit history, current savings and debts, and the amount of down payment you are willing to make. You may also be able to take advantage of special loan programs for first time buyers to purchase a home with a higher value. Give us a call, and we can help you determine exactly how much you can afford.

**Q: What is the difference between a fixed-rate loan and an adjustable-rate loan?**

A: With a fixed-rate mortgage, the interest rate stays the same during the life of the loan. With an adjustable-rate mortgage (ARM), the interest changes periodically, typically in relation to an index. While the monthly payments that you make with a fixed-rate mortgage are relatively stable, payments on an ARM loan will likely change. There are advantages and disadvantages to each type of mortgage, and the best way to select a loan product is by talking to your broker.

**Q: How is an index and margin used in an ARM?**

A: An index is an economic indicator that lenders use to set the interest rate for an ARM. Generally the interest rate that you pay is a combination of the index rate and a pre-specified margin. Three commonly used indices are the One-Year Treasury Bill, the Cost of Funds of the 11th District Federal Home Loan Bank (COFI), and the London InterBank Offering Rate (LIBOR).

**Q: How do I know which type of mortgage is best for me?**

A: There is no simple formula to determine the type of mortgage that is best for you. This choice depends on a number of factors, including your current financial picture and how long you intend to keep your house. Alfa Mortgage Inc. can help you evaluate your choices and help you make the most appropriate decision.



**Q: What does my mortgage payment include?**

A: For most homeowners, the monthly mortgage payments include three separate parts:

Principal: Repayment on the amount borrowed

Interest: Payment to the lender for the amount borrowed

Taxes & Insurance: Monthly payments are normally made into a special escrow account for items like hazard insurance and property taxes. This feature is sometimes optional, in which case the fees will be paid by you directly to the County Tax Assessor and property insurance company.

**Q: How much cash will I need to purchase a home?**

A: The amount of cash that is necessary depends on a number of items. Generally speaking, though, you will need to supply:

Earnest Money: The deposit that is supplied when you make an offer on the house

Down Payment: A percentage of the cost of the home that is due at settlement

Closing Costs: Costs associated with processing paperwork to purchase or refinance a house

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Because of our experience in debt consolidation, each consumer is provided with premium advantages. Alfa Mortgage, Inc. provides consumers with the best programs that will save them the most amount of money possible. Alfa will also provide helpful and amiable service to each customer.

Rates Low As:  
30 Year Fixed 5.75%  
15 Year Fixed 5.0%  
3/1 ARM 3.875%  
5/1 ARM 4.375%

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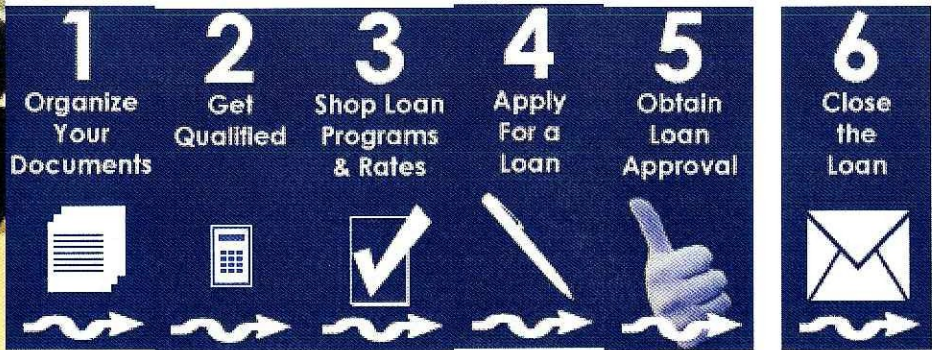
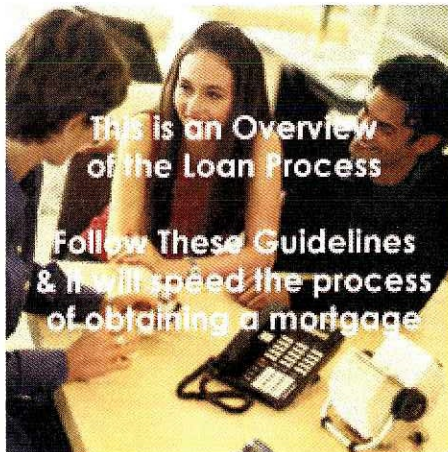
We have various loan programs that will fit your family needs.

REFINANCING LOAN	COMMERCIAL LOANS
PAYOFF LAND CONTRACTS	REVERSE MORTGAGE
VA MORTGAGE	INVESTOR LOANS
FHA MORTGAGE	125% 2nd MORTGAGE
PURCHASES	CONSTRUCTION LOANS
SELF EMPLOYED BORROWERS	2nd MORTGAGE LOANS
BANKRUPTCY/FORECLOSURE	NO DOC/STATED INCOME

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## Apply For a Loan

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*Applying for a loan made easy. . .*

### The Loan Application

**Getting started is easy and you don't have to do it all at once.**

Our online application process is conveniently designed to allow you to stop any time and pick up where you left off. You can quit any time since your information data is saved. When you come back, the Review and Update screen will show you what's left to do.

*Must be legal age to apply.*

**If this is your first application log in,**

**Click Here**

New User Sign Up

---




**Registered Users,** please enter your User ID and Password.

User ID:

Password:

Login

---

 [Trouble Signing In?](#)  [Change Password](#)  [Account Info](#)

---

Please send mail to [corina@alfamtg.com](mailto:corina@alfamtg.com) with questions or comments about this web site. [Security Statement](#)

## User Login

---

### New User Sign Up

When you establish an account with us, we'll save the data you entered and retrieve your information when you revisit. This saves you from entering repetitive data. Please complete the following information and write down your user ID and password. **This will be your permanent ID and password for future visits to the site.** (Your information is confidential. No one can access your account without a valid user ID and correct password.)

Fields marked with an asterisk(\*) are required. Others are optional

First Name:*	<input type="text"/>	Last Name:*	<input type="text"/>
Address:			
Street:			
City:			
State:	<input type="text" value="IN"/>	Zip Code:*	<input type="text"/>
Phone(day):	<input type="text"/>	<input type="text"/>	ext <input type="text"/>
Phone(eve.):	<input type="text"/>	<input type="text"/>	
Email: *	<input type="text"/>		

If no e-mail address, please call 317-581-8556 to enroll by phone.

Now choose a user ID (usually your name) and your confidential password.

User ID:*	<input type="text"/>	Password:*	<input type="text"/>
Confirm Password:*	<input type="text"/>		

Login

---

Please send mail to [corina@alfamtg.com](mailto:corina@alfamtg.com) with questions or comments about this web site. [Security Statement](#)

## User Login

---

### New User Sign Up

When you establish an account with us, we'll save the data you entered and retrieve your information when you revisit. This saves you from entering repetitive data. Please complete the following information and write down your user ID and password. **This will be your permanent ID and password for future visits to the site.** (Your information is confidential. No one can access your account without a valid user ID and correct password.)

Fields marked with an asterisk(\*) are required. Others are optional

First Name:*	<input type="text" value="John"/>	Last Name:*	<input type="text" value="Doe"/>
Address:			
Street:	<input type="text"/>		
City:	<input type="text" value="Montgomery"/>		
State:	<input type="text" value="AL"/>	Zip Code:*	<input type="text"/>
Phone(day):	<input type="text"/>	<input type="text"/>	ext <input type="text"/>
Phone(eve.):	<input type="text"/>	<input type="text"/>	
Email: *	<input type="text"/>		

If no e-mail address, please call 317-581-8556 to enroll by phone.

Now choose a user ID (usually your name) and your confidential password.

User ID:*	<input type="text"/>	Password:*	<input type="text"/>
Confirm Password:*	<input type="text"/>		

Login

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Uniform Residential Loan  
Application  
Good Faith Estimate  
Truth in Lending Disclosure  
Statement (RegZ)  
Credit Report Authorization and  
Release  
Deed of Trust  
Itemization of Amount Financed  
Mortgage Loan Disclosure/Good  
Faith Estimate  
Loan Submission Sheet  
Tax Information Authorization  
(8821)

Self Employed Income Analysis  
Borrower Certification and  
Authorization  
Disclosure Notices  
Equal Credit Opportunity Act  
Fair Lending Notice  
Notice of Right to Cancel  
Notice of Special Flood Hazard  
Owner Occupancy  
Appraisal Disclosure  
Mortgage Document

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## **Mortgage Calculators**

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### **Payment/Amortization**

This calculator allows you to figure out your monthly payment for fixed-rate or adjustable-rate loans. It also allows you to calculate the breakdown between principal and interest in payments over the loan term.

### **Rent vs. Own**

This calculator allows you to calculate the difference between renting a property and buying a home.

### **Calculate Annual Percentage Rate (A.P.R.)**

This calculator allows you to calculate A.P.R. for fixed-rate or adjustable-rate loans, as defined by the Federal Truth In Lending Act.

### **Debt Consolidation**

This calculator helps you to figure out if you can consolidate your debt by lowering the monthly payment, or pay off debts sooner.

### **Prepayment Savings**

This calculator helps you to determine how soon you can pay off your mortgage by making a prepayment, or how much prepayment you should make by shortening the time to pay off your mortgage.

### **Early Payoff Calculator**

This calculator will assist you in determining the amount of additional principal payments needed per month to payoff the loan in a shorter period of time.

### **Refinance Break-Even Point**

This calculator will help you determine the length of time until "breakeven" on a refinance loan, factoring in the new interest rate and closing costs.

### **Tax Savings**

Based on the loan amount, interest rate, federal tax rate, and other entries, this calculator will determine the estimated tax savings of a period of years if the transaction is completed.

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8888 Keystone Crossing  
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Fax: 317-581-8557  
Email: [info@alfamtg.com](mailto:info@alfamtg.com)

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# EXHIBIT 2



CORINA SHELTON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

--oOo--

ALFA CORPORATION,

Plaintiff,

vs.

AO ALFA BANK and

ALFA-CAPITAL MARKETS (USA),

INC.,

Defendants.

COPY

) Case No.

) 04 Civ. 08968 (KMW)

VIDEOTAPED DEPOSITION OF  
CORINA SHELTON

Monday, July 31, 2006

Volume I

(Pages 1 - 51)

REPORTED BY: CYNTHIA A. PACINI, CSR #6117, RMR, CRR  
(03-384235)

EXHIBIT 2



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CORINA SHELTON

Page 3

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF INDIANA

3 --oOo--

4 ALFA CORPORATION, )  
 )  
5 Plaintiff, )  
 )  
6 vs. ) Case No.  
 ) 04 Civ. 08968 (KMW)  
7 )  
 OAO ALFA BANK and )  
8 ALFA-CAPITAL MARKETS (USA), )  
 INC., )  
9 )  
 Defendants. )  
10 \_\_\_\_\_ )  
11 )

12 --oOo--

13 BE IT REMEMBERED that pursuant to Subpoena  
14 and on Monday, July 31, 2006, commencing at 10:19  
15 a.m. thereof, at the Law Offices of Jones Day, 555  
16 California Street, 26th Floor, San Francisco,  
17 California, before me, Cynthia A. Pacini, a  
18 Certified Shorthand Reporter, Registered Merit  
19 Reporter and Certified Realtime Reporter, personally  
20 appeared

21 CORINA SHELTON  
22 \_\_\_\_\_

23 called as a witness by the Defendants, who, having  
24 been first duly sworn, was examined and testified as  
25 follows:

CORINA SHELTON

Page 4

1 --oOo--

2 DORSEY & WHITNEY, LLP, 38 Technology  
3 Drive, Irvine, California 92618-5310, represented by  
4 JUAN C. BASOMBRIIO, Attorney at Law, appeared as  
5 counsel on behalf of the Plaintiff.

6 JONES DAY, 222 East 41st Street, New York,  
7 New York 10017-6702, represented by CLARK CRADDOCK,  
8 Attorney at Law, appeared as counsel on behalf of  
9 the Defendants.

10 Also Present: GRETCHEN VOGEL-Videographer

11 P R O C E E D I N G S

12 THE VIDEO OPERATOR: Good morning. This  
13 is Gretchen Vogel of LegaLink Action Video, 420  
14 Lexington Avenue, New York, New York. Today's date  
15 is July 31st, 2006. The time on the video monitor  
16 is 10:19 a.m. The offices we are at are Jones Day  
17 at 555 California Street, San Francisco, California.  
18 Case, Alfa Corporation versus OAO, case number  
19 04-CIV 8968 (KMW) to take the video deposition of  
20 Corina Shelton, District Court for the Southern  
21 District of New York. The court reporter today is  
22 Cindy Pacini of LegaLink, San Francisco.

23 Will the counsel please introduce  
24 themselves?

25 MS. CRADDOCK: I'm Clark Craddock from

CORINA SHELTON

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1 Jones Day New York, and I represent the defendants  
2 OAO Alfa Bank and Alfa Capital Markets, Inc.

3 MR. BASOMBRIO: I'm Juan Basombrio, Dorsey  
4 & Whitney, for plaintiff Alfa Corporation.

5 THE WITNESS: Corina Shelton, president of  
6 Alfa Mortgage, Incorporated.

7 THE VIDEO OPERATOR: Thanks. Would the  
8 court reporter please swear in the witness.

9 (Whereupon, the witness was sworn.)

10 THE WITNESS: I do.

11 EXAMINATION BY MS. CRADDOCK

12 MS. CRADDOCK: Q. Thank you for coming.  
13 Could you just please state your name and address  
14 for the record, please?

15 A. Yes. My name is Corina Shelton. My  
16 address is 4272 Terrabella Way, Oakland, California  
17 94619.

18 Q. And also for the record, I want to make  
19 sure that you understand you had the right to have  
20 your attorney present at this deposition.

21 A. Yes.

22 Q. Okay. Thank you. Have you ever been  
23 deposed before?

24 A. No.

25 Q. All right. I'm going to just sort of step



CORINA SHELTON

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1 documents that you produced to us this morning; is  
2 that correct?

3 A. Yes.

4 Q. Could you please go through each page and  
5 explain what each one of these documents is?

6 A. The first page of this is a certificate of  
7 incorporation showing when the company was  
8 incorporated, March 20th of 2001.

9 Q. Okay.

10 A. And the second page would be the articles  
11 of incorporation again stating -- showing when the  
12 company, Alfa Mortgage, Incorporated, was  
13 incorporated on the 20th of March, 2001. And the  
14 third item then will show also the licensing, when  
15 we licensed as a mortgage broker for Alfa Mortgage.

16 Q. Is there a date on this document?

17 A. I don't know if there is. It's dated, but  
18 I can't really see it because it's -- it looks to me  
19 like it may have been dated the 25th.

20 Q. The 25th of?

21 A. Of March. And it would have been 2001.  
22 And then the next items basically show the board of  
23 directors, that I am president, secretary,  
24 treasurer. I'm the sole shareholder of Alfa  
25 Mortgage, Incorporated, and that's basically all the

CORINA SHELTON

Page 14

1 A. Yes.

2 Q. When you started Alfa in March of 2001,  
3 what products did you offer or services?

4 A. It was mortgage loans, so home loans for  
5 purchase or refinance.

6 Q. Any other products or services at that  
7 time?

8 A. No.

9 Q. Okay. When did you begin offering  
10 mortgages?

11 A. At -- in 2001 when the company started.

12 Q. In March of 2001?

13 A. Um-hum.

14 Q. Did you have an office at that time?

15 A. I was working out of my home.

16 Q. And where was that?

17 A. At -- I think it's 10456 Power Drive in  
18 Carmel.

19 Q. Carmel?

20 A. Indiana, 46033.

21 Q. How many employees did you have there?

22 A. It was just myself and then I hired a  
23 processor shortly after. So there was two.

24 Q. What was the processor's duties?

25 A. All she was doing was inputting files and

CORINA SHELTON

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1 Q. Are there any other places that you've  
2 been licensed in?

3 A. No. I mean the only places I've ever been  
4 bonded -- licensed and bonded in was Indiana,  
5 Minnesota, Oregon, California and Illinois.

6 Q. Are you still currently licensed in  
7 Indiana?

8 A. In Indiana, I am.

9 Q. When did you become licensed in Portland?

10 A. Oh, maybe 2002.

11 Q. Are you still currently licensed in  
12 Portland?

13 A. I'm still currently bonded, and I am in  
14 the process of renewing my licensing there.

15 Q. Okay. Just to clarify: You're currently  
16 in the process of becoming licensed in California?

17 A. Well, I started the whole licensing here  
18 as far as, you know, getting the name registered and  
19 that's as far as I got.

20 Q. Okay. In Minnesota, you're -- when did  
21 you become registered?

22 A. I believe in 2003.

23 Q. And are you currently registered?

24 A. We are registered. I don't believe we're  
25 bonded there anymore.

CORINA SHELTON

Page 20

1 Q. When were you registered in Illinois?

2 A. Around the same -- 2003.

3 Q. And you're not currently registered in  
4 Illinois; is that correct?

5 A. No.

6 Q. For these other states, did you also do  
7 promotional activities in those states?

8 A. No.

9 Q. No. What products and services do you  
10 currently offer?

11 A. Any -- a wide range of home loans, so from  
12 first mortgages, second mortgages, home equities,  
13 lines of credits, purchases, refinances.

14 Q. Anything else?

15 A. Well, anything that has to do with a home  
16 mortgage.

17 MS. CRADDOCK: Could you mark this Exhibit  
18 Shelton 3, please.

19 (Whereupon, Shelton Exhibit 3 was marked  
20 for identification.)

21 MS. CRADDOCK: Q. Do you recognize this  
22 document?

23 A. Yes, I do. It's off of our website.

24 Q. Okay. And could you tell me what this  
25 particular page of your website is intended to do?



CORINA SHELTON

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1 online, they go in and put an application.

2 Q. Have you had borrowers apply online?

3 A. Yes, we have.

4 Q. Approximately how many?

5 A. Oh, actually quite a few. I don't have a  
6 number.

7 Q. More than ten?

8 A. Oh, more than ten, definitely.

9 Q. More than 20?

10 A. More than 50.

11 Q. More than 50. Could you explain to me how  
12 this process would work for applying for a loan on  
13 line?

14 A. Yes. You would go in and you would  
15 register and apply online and then once the  
16 application is submitted, we are notified via e-mail  
17 that an application has come into our website, and  
18 we download the application into our database and  
19 then basically we contact the borrowers that we  
20 received their application.

21 Q. And then what happens next?

22 A. Then we start the loan process if we agree  
23 on terms.

24 MS. CRADDOCK: Would you mark this Shelton  
25 Exhibit 5?

CORINA SHELTON

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1 Q. How many referrals do you get  
2 approximately a month from --

3 A. Oh, probably two, three.

4 Q. Okay.

5 A. I mean, it could be more. Depends on --

6 Q. Could you explain a little bit about once  
7 someone applies for a loan with you, what the next  
8 steps are in finding a mortgage for them?

9 A. Well, once somebody applies for a loan, we  
10 have to establish their credit strength. So, you  
11 know, we look at their credit history. We need to  
12 find out what kind of loan they're looking for. Are  
13 they buying something? Are they -- and, you know,  
14 from that point forward, we collect their income  
15 documentation, send what we need to preapprove them,  
16 and go from there. So --

17 Q. And then what happens next though?

18 A. Then we submit their files, once we agree,  
19 okay, this is what they want. We submit the files  
20 to a lender, an investor of ours, for approval.

21 Q. Do you use more than one lender?

22 A. Yes, we do.

23 Q. How many lenders do you use?

24 A. Oh, we have probably 50 lenders or more.  
25 We have access to a lot of lenders.

CORINA SHELTON

Page 30

1 Q. How do you have access to a lot of  
2 lenders?

3 A. Well, anybody that's on the -- wholesales  
4 mortgage loans, we have access to use.

5 Q. I'm sorry. Can you explain what wholesale  
6 mortgage loans --

7 A. As far as Bank of America, for instance,  
8 they have a wholesale department which we broker our  
9 loans through their wholesale. That's what the  
10 wholesale -- they have retail that they originate  
11 their own in-house loans through, and then they also  
12 wholesale, which the brokers use the wholesale side.  
13 And all the investors are like that.

14 Q. There's a website, a wholesale --

15 A. No. There's no websites, no.

16 Q. So how do you -- how did you develop  
17 relationships with these lenders?

18 A. They walk in and drop their flyers off  
19 most of the time or they call you. You get ten  
20 calls a day from them sometimes. So that's how you  
21 establish relationships.

22 A lot of it is word of mouth. You hear  
23 from other brokers. These lenders offer these great  
24 programs or this one's got that. This one's got  
25 that. And then you hear that and then you get sent

CORINA SHELTON

Page 33

1 Q. Do you attend both?

2 A. Yes.

3 Q. How long have you attended both?

4 A. Oh, well, in Indiana just since I've been  
5 there from 2001, but the other ones, the national  
6 broker conventions and events I've attended since  
7 '90.

8 Q. Do you attend every year?

9 A. Yes.

10 Q. Are there any other networking events that  
11 you attend?

12 A. No.

13 Q. You said before that you have  
14 relationships with approximately 50 lenders?

15 A. Um-hum.

16 Q. Can you -- can you name a few of these  
17 lenders, some of the larger lenders?

18 A. Yeah. Like Wells Fargo, Citibank,  
19 National City, Accredited Home Lenders. I don't  
20 know how many you want me to name, but --

21 Q. Just some of the larger banks.

22 A. Okay. Like Fremont Investments,  
23 Countrywide, Washington Mutual.

24 Q. Are these banks that you've used since  
25 Alfa Mortgage has begun?



CORINA SHELTON

Page 42

1 Q. What's your phone number here, please?

2 A. (510)336-1977.

3 Q. Do you still have a residence in Indiana?

4 A. No.

5 Q. Prior to choosing the name Alfa Mortgage,  
6 did you do a trademark search?

7 A. Yes, I did, with the State of Indiana.

8 Q. Only in the State of Indiana?

9 A. I don't know if it was a national one or  
10 not. I can't remember.

11 Q. Okay.

12 A. I cannot recall.

13 Q. Who assisted you with that?

14 A. I did that on my own initially before I  
15 hired Brad.

16 Q. Okay. Do you remember what it is that you  
17 did?

18 A. All the paper filings is what I did.

19 Q. With the State of Indiana?

20 A. With the State of Indiana.

21 Q. And then did your lawyer help you with a  
22 wider search?

23 A. I don't know if he did or not. I'd have  
24 to ask. I have no idea.

25 Q. Do you know whether you or he ever did a

# EXHIBIT 3

Case 2:06-cv-00962-WKW-WC Document 1 Filed 10/25/2006 Page 1 of 1



JUAN C. BASOMBRIO  
(949) 932-3650  
FAX (949) 932-3601  
basombrio.juan@dorsey.com

August 22, 2006



**By Fax and U.S. Mail**

Corina Shelton  
President/Broker  
Alfa Mortgage, Inc.  
8888 Keystone Crossing, Suite 1300  
Indianapolis, Indiana 46240

Dear Ms. Shelton:

As you know, I represent Alfa Corporation ("Alfa Corp.") and its related companies. Alfa Corp. is a financial services conglomerate. I was the lawyer that represented Alfa Corp. during your recent deposition in San Francisco.

Alfa Corp. is the registrant of the "ALFA CORPORATION" federal trademark, and of various other trademarks and pending trademark applications including the "Alfa" designation (such as Alfa Realty, Alfa Financial, Alfa Insurance, and others) in the financial services classes, with the United States Patent & Trademark Office. Mortgage lending is among the various financial services offered by Alfa Corp. and its related companies.

Accordingly, we believe that your company's use of the name "Alfa Mortgage, Inc." infringes upon the federal and common law rights of Alfa Corp. Alfa Corp. demands that you stop using the name Alfa Mortgage or any other name using "Alfa." Please contact me at your earliest convenience to discuss this matter. My client is willing to provide you with sufficient time to transition your company to using another name.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Juan C. Basombrio'.  
Juan C. Basombrio

DORSEY & WHITNEY LLP • WWW.DORSEY.COM • T 949.932.3600 • F 949.932.3601  
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EXHIBIT 3

# EXHIBIT 4





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**Typed Drawing**

**Word Mark** ALFA CORPORATION  
**Goods and Services** IC 036. US 100 101 102. G & S: property and casualty insurance underwriting services; real estate services, namely provision of commercial and residential real estate brokerage services; financial services, namely, loan financing, overdraft checking, mortgage lending, home equity loans, commercial loans, automobile loans and home improvement loans. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501

IC 037. US 100 103 106. G & S: construction services, namely general contracting and building services in the construction industry of new homes, residential communities and commercial properties. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501

**Mark Drawing Code** (1) TYPED DRAWING

**Design Search Code**

**Serial Number** 76372299

**Filing Date** February 20, 2002

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Owner** (APPLICANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd.  
Montgomery ALABAMA 36198

**Attorney of Record** Rebecca L. Roby

**Prior Registrations** 2088673

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CORPORATION" APART FROM THE MARK AS SHOWN

**Type of Mark** SERVICE MARK

EXHIBIT 4

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**Word Mark** ALFA CORPORATION  
**Goods and Services** IC 036. US 100 101 102. G & S: property and casualty insurance underwriting services; real estate services, namely provision of commercial and residential real estate brokerage services; financial services, namely, loan financing, overdraft checking, mortgage lending, home equity loans, commercial loans, automobile loans and home improvement loans. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501

IC 037. US 100 103 106. G & S: construction services, namely general contracting and building services in the construction industry of new homes, residential communities and commercial properties. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 26.11.10 - Rectangles divided once into two sections  
26.11.21 - Rectangles that are completely or partially shaded

**Serial Number** 76372298

**Filing Date** February 20, 2002

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Owner** (APPLICANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd.  
Montgomery ALABAMA 36198

**Attorney of Record** Rebecca L. Roby

**Prior Registrations** 2088673  
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**Register** PRINCIPAL  
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**Word Mark** ALFA INSURANCE  
**Goods and Services** IC 036. US 100 101 102. G & S: property and casualty insurance underwriting. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 26.09.21 - Squares that are completely or partially shaded  
 26.11.21 - Rectangles that are completely or partially shaded  
**Serial Number** 75027294  
**Filing Date** December 5, 1995  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** May 27, 1997  
**Registration Number** 2088673  
**Registration Date** August 19, 1997  
**Owner** (REGISTRANT) ALFA CORPORTION CORPORATION DELAWARE 2108 E. South Boulevard Montgomery ALABAMA 36198  
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**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).

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Word Mark ALFA INSURANCE  
Goods and Services IC 036. US 100 101 102. G & S: property and casualty insurance underwriting services. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501  
Mark Drawing Code (1) TYPED DRAWING  
Design Search Code  
Serial Number 76370707  
Filing Date February 14, 2002  
Current Filing Basis 1A  
Original Filing Basis 1A  
Published for Opposition October 15, 2002  
Registration Number 2671861  
Registration Date January 7, 2003  
Owner (REGISTRANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198  
Attorney of Record Paul Tauger  
Prior Registrations 2088673  
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**Word Mark** ALFA FINANCIAL  
**Goods and Services** IC 036. US 100 101 102. G & S: financial services, namely, loan financing, overdraft checking, mortgage lending, home equity loans, commercial loans, automobile loans and home improvement loans. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 76372470  
**Filing Date** February 20, 2002  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Owner** (APPLICANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198  
**Attorney of Record** Rebecca L. Roby  
**Prior Registrations** 2088673  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINANCIAL" APART FROM THE MARK AS SHOWN  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
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<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: financial services, namely, loan financing, overdraft checking, mortgage lending, home equity loans, commercial loans, automobile loans and home improvement loans. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.11.02 - Plain single line rectangles; Rectangles (single line) 26.11.13 - More than one rectangle; Rectangles (more than one) 26.11.21 - Rectangles that are completely or partially shaded
<b>Serial Number</b>	76372471
<b>Filing Date</b>	February 20, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Owner</b>	(APPLICANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198
<b>Attorney of Record</b>	Rebecca L. Roby
<b>Prior Registrations</b>	2088673
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINANCIAL" APART FROM THE MARK AS SHOWN

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<b>Word Mark</b>	<b>ALFA REALTY</b>
<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: REAL ESTATE SERVICES, NAMELY PROVISION OF COMMERCIAL AND RESIDENTIAL REAL ESTATE BROKERAGE SERVICES. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76370708
<b>Filing Date</b>	February 14, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 29, 2002
<b>Registration Number</b>	2677418
<b>Registration Date</b>	January 21, 2003
<b>Owner</b>	(REGISTRANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198
<b>Attorney of Record</b>	Paul Tauger
<b>Prior Registrations</b>	2088673
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<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: real estate services, namely provision of commercial and residential real estate brokerage services. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.11.21 - Rectangles that are completely or partially shaded
<b>Serial Number</b>	76370508
<b>Filing Date</b>	February 14, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 15, 2002
<b>Registration Number</b>	2671857
<b>Registration Date</b>	January 7, 2003
<b>Owner</b>	(REGISTRANT) ALFA CORPORATION CORPORATION ALABAMA 2108 E. South Blvd. Montgomery ALABAMA 36198
<b>Attorney of Record</b>	Paul Tauger

**Prior Registrations** 2088673  
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<b>Word Mark</b>	<b>ALFA BUILDERS</b>
<b>Goods and Services</b>	IC 037. US 100 103 106. G & S: construction services, namely general contracting and building services in the construction industry of new homes, residential communities and commercial properties. FIRST USE: 19870501. FIRST USE IN COMMERCE: 19870501
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76370506
<b>Filing Date</b>	February 14, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 10, 2002
<b>Registration Number</b>	2692690
<b>Registration Date</b>	March 4, 2003
<b>Owner</b>	(REGISTRANT) ALFA CORPORATION CORPORATION DELAWARE 2108 E. South Blvd. Montgomery ALABAMA 36198
<b>Attorney of Record</b>	Paul Tauger
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<b>Register</b>	PRINCIPAL
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<b>Word Mark</b>	<b>ALFA BUILDERS</b>
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<b>Design Search Code</b>	26.11.21 - Rectangles that are completely or partially shaded
<b>Serial Number</b>	76370507
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<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 10, 2002
<b>Registration Number</b>	2692691
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<b>Attorney of</b>	Paul Tauger



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